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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,579	08/14/2001	John A. Rome	01MOT201P	9147
25700	7590	10/21/2003	EXAMINER	
FARJAMI & FARJAMI LLP 16148 SAND CANYON IRVINE, CA 92618			PERRIN, JOSEPH L	
		ART UNIT		PAPER NUMBER
		1746		
DATE MAILED: 10/21/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/929,579	ROME ET AL.
	Examiner	Art Unit
	Joseph L. Perrin, Ph.D.	1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 1-6 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-6 is/are allowed.
- 6) Claim(s) 11-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In view of applicant's amendment filed 16 September 2003 (Paper No. 6), the status of the application is as follows:

Claims Objections

2. The objection of claim 15 is withdrawn in view of applicant's amendment to the claim.

35 U.S.C. §102(b) Rejections over Betancourt

3. The rejection of claims 1-6 has been withdrawn in view of applicant's amendment to independent claim 1, further defining the claimed invention over Betancourt.

4. The rejection of claims 11-14 is maintained for at least the following reasons:

Applicant alleges that Betancourt does not teach, disclose, or suggest the claimed multi-port fuel block. This is not persuasive because applicant has not provided any arguments specifically pointing out how the language of the claims patentably distinguishes them from the references. As best understood from applicant's original disclosure, applicant's "multi-port fuel block", as broadly interpreted in view of applicant's original disclosure as filed (including block-diagram Figures), is construed as being a multi-junction portion of a fluid line as disclosed by Betancourt (see, for instance, the multi-junction line disclosed by Betancourt in top center of Figure 2, as

cited in the previous Office action). Although Betancourt does not expressly describe his multi-junction fluid line as a “multi-port fuel block”, there doesn’t appear to be any structural differences in applicant’s and Betancourt multi-junction fluid systems, and they appear to function the same. Accordingly, the system of Betancourt reads on claims 11-14.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,289,837 to Betancourt.

Re claims 11, Betancourt discloses an engine fuel cleaning system having return lines 48 & 48a connected to a fuel line outlet, two reservoirs 30 & 64 connected to the ends of the return lines, two pumps 36 & 36a with inputs connected to the outputs of the reservoirs, two output lines 28 & 62 connected between the pump outputs and a fuel line inlet (see entire reference of Betancourt, for instance, Figure 2 and associated text). Betancourt further discloses output hose 62 connected to a multi-port fuel block defined by a multi-line junction with lines connecting to a solenoid 58a, a pump 36a, pressure regulator 40a (claim 12), relief valve 46 (claim 13) and pressure gauge 54a (claim 14), the multi-line junction including valve 70 and solenoid 58a (see, for instance, top center of Figure 2). It is further noted that the solenoid “is capable” of connecting the pump

output to the output hose (claim 11) and "is capable" of connecting the pressure gauge to the pump output (claim 15) since all are in a recirculating flow system. It has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Allowable Subject Matter

7. The following is a statement of reasons for the indication of allowable subject matter:

The closest prior art of record, US 5,289,837 to Betancourt, fails to teach each and every limitation of the instant invention. Specifically, Betancourt fails to teach or suggest the claimed automatic fuel cleaner apparatus with fluidly isolated diesel and gasoline lines as claimed, such that the diesel service portion and gasoline service portion do not share a common hose, which is disclosed as an essential element of claimed invention, as described in independent claim 1.

8. For at least the foregoing reasons, claims 1-6 are believed to recite patentable subject matter.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
11. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (703)305-0626. The examiner can normally be reached on M-F 7:30-5:00, except alternate Fridays.
13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (703)308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

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14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Joseph L. Perrin, Ph.D.
Examiner
Art Unit 1746

jlp



RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700